FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION No. 3934/2006
(Ashok Sawaji Chaware **Versus** Union of India & another)

Appeal District :
Application No. of 200
Writ petition

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders

Shri Palshikar, Advocate for the petitioner.
Shri Choube, Advocate for the respondent.

CORAM : D.D. SINHA AND
SMT. VASANTI A. NAIK, JJ.

DATED : NOVEMBER 19, 2007.

Heard Shri Palshikar, the learned counsel for the petitioner and Shri Choube, the learned counsel for the respondent.

In the instant petition, the writ petition is directed against the order dated 26.04.2006 passed by the Central Administrative Tribunal whereby the original application no.2238/ 2004/ 460/25/4/06 came to be dismissed and the claim of the petitioner for payment of over time allowance and road mileage for the period between 14.05.2000 to 18.04.2003 for the additional work allotted to the petitioner came to be rejected.

Perused the impugned order passed by the Central Administrative Tribunal as well as the relevant rules.

As per the relevant rules, it is not in dispute that the right of the government servant to travelling allowance, including daily allowance, is forfeited within one year from the date on which it becomes due.

In view this rule, there is a automatic forfeiture if the claim is not made within one year.

The learned counsel for the petitioner has contended that the petitioner has made the claim for the over time allowance and mileage for the said period before expiry of one year from the date it was due and payable. However, there is nothing placed on record in order to show the date, time and year of placement of such claim. Similarly, the petitioner does not have details about the said claim. The Tribunal, taking into consideration the above referred circumstances, disallowed the claim of the petitioner.

In the circumstance, the order impugned herein cannot be said to be bad in law. Hence, the writ petition is dismissed with no order as to costs.

JUDGE **JUDGE**

APTE